IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO : 14488 of 2005

Between:

Shai Gulnaz, W/o. Mohammed siam,
D.No. 16/361, Dastagiripet, Proddatur, Kadapa District.

..... PETITIONER

AND

1 The Station House Officer, II Town P.S., Urban Circle, Proddatur, Kadapa District.
2 The Superintendent of Police, Kadapa District at Kadapa.
3 Sreenivasu, Assistant Sub Inspector, II Town P.S., Proddatur, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction, or a writ, more particualrly one in the nature of Writ of Habeas Corpuse directing the Respondents herein to produce the husband of the Petitioner, Viz., Shaik Farhad Hussain, before this Hon'ble Court, who was illegally detained by II Town Urban P.S., Proddatur, Kadapa District, and set him at Liberty forthwith and to pass.

Counsel for the Petitioner:TELEGRAM

Counsel for the Respondent Nos. 1 to 3: THE ADVOCATE GENERAL

The Court made the following :

ORDER: (Per the Honourable Smt.Justice T.Meenakumari)

This is a taken up case on the Telegram issued by the petitioner seeking a direction to the respondents to produce the detenu, Viz., Shaik Farshad Hussain before this Court, who was illegally detained by II Town Urban Police Station, Proddatur, Kadapa District and to set him at liberty.

The respondents have filed the counter denying the allegations in the Telegram. It is contended in the counter that the alleged detenue is one of the accused in Cr.No:45 of 2005 under section 420 I.P.C. of II Town Police station, Proddatur and the crime was registered on 27.6.2005 at 12 noon basing on the complaint given by Somesula Sai Veera Pavan Kumar, resident of Konetikalva street, Proddatur. It is further contended that on coming to know that the police are making search for the alleged detenue, the petitioner seems to have sent this telegram to this Court with an intention to preempt the police from proceeding with further investigation.

It is submitted across the Bar by the learned Additional Advocate General that a case in Cr.No:45 of 2005 under section 420 I.P.C. of II Town Police Station is registered against the alleged detenue on 27.6.2005 and in that connection, he was taken into custody and therefore, there is no illegal detention of the alleged detenue.

In view of the submission made by the learned Additional Advocate General and in view of the averments made in the counter to the effect that a crime is pending against the alleged detenue along with others, We are of the view that nothing will prevent the alleged detenue to approach the proper forum for obtaining the bail and therefore, no further orders are necessary in both the writ petitions and accordingly, the same are liable to be dismissed.

In the result, both the writ petitions are dismissed. No costs.

(T.MEENAKUMARI, J)

13TH JULY, 2005

(P.LAKSHMANA REDDY,J)

GURC/RKK

COPIES TO:

1. The Station House Officer, II Town P.S., Urban Circle, Proddatur, Kadapa District.
2 The Superintendent of Police, Kadapa District at Kadapa.
3. TWO C.Cs. to the Advocate General, High Court Buildings, Hyderabad.(OUT)

4. Two C.D. copies.